THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No. 3512 of 1997

DATED: 06.02.2007

Between:

Sri B. Amarnath Reddy. ..
Petitioner

And

Sri Krishna Devaraya University
Anantapur, represented by its Registrar. ..
Respondent

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No. 3512 of 1997

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ORDER:

The action of the respondent-University impugned in this writ petition, is the order in SKU/EEII/97, dated 16.01.1997, whereby the petitioner was deemed to have been relieved from University Service with effect from 15.12.1996.

The petitioner was appointed as a Lecturer in the Department of Management Studies from February, 1985. He was promoted as a Placement Officer in the year 1990. While working as a Placement Officer, he was granted lien for a period of two years with effect from 15.12.1993 to enable him to act as a Project Officer in the Royal Danish Embassy, Bangalore, vide proceedings of the Vice Chancellor dated 14.12.1993. The lien of two years from 15.12.1993 expired on 14.12.1995. While granting extension of lien for a further period of one year, from 15.12.1995 to 15.12.1996, the petitioner was informed of the resolution of the Executive Council of the University dated 15.06.1996, whereby, it was resolved that Teaching and Non-Teaching Employees, who had completed five years of service, would be entitled for lien/leave of absence/deputation for a maximum period of three years on condition that he should serve the University for double the period of absence.

In their counter affidavit, the respondent specifically states that the petitioner was informed about this resolution and was required to report for duty accordingly. It is stated that, instead of reporting for duty, the petitioner had sought lien for a further period of two years i.e., from 30.11.1996 to 30.11.1998. According to the respondents, since the petitioner did not report for duty despite being informed of the latest Executive Council Resolution, dated 15.06.1996, he was deemed to have been relieved from the University Service with effect from 15.12.1996.

Sri O.Manoher Reddy, learned counsel for the petitioner, would place reliance on the earlier resolution of the Syndicate, dated 28.03.1987, wherein, it was resolved that permanent employees of the University would be granted lien/deputation/leave of absence either within India or abroad, for a period upto five years. Learned counsel would submit that, in view of the resolution of the Syndicate dated 28.03.1987, the petitioner was entitled for extension of lien for a further period of two years i.e., from 1996 to 1998. Learned counsel would further submit that the impugned order, dated 16.1.1997, holding that the petitioner was deemed to have been relieved with effect from 15.12.1996 from University Service, was passed without putting the petitioner on notice and without giving him an opportunity of being heard.

No reliance can be placed on the earlier resolution of the Syndicate dated 23.03.1987, which prescribes the

maximum period of lien for five years, since the Executive Council of the respondent-University, in its subsequent resolution dated 15.06.1996, had prescribed an upper limit of three years as lien. Since his lien expired by 30.11.1996, and the petitioner was made aware of the resolution of the Executive Council, his failure to join duty necessitated the impugned order being passed. Since the petitioner was aware that he was not entitled for an extension of lien beyond three years, his failure to report to duty thereafter would result in his not retaining his lien with the respondent- University. The action of the respondent-University in passing the impugned order dated 16.01.1997, holding that the petitioner was deemed to have been relieved with effect from 15.12.1996 from the University Service, cannot be faulted.

In view of the aforesaid facts, which are not in dispute, failure to put the petitioner on notice or to give the petitioner an opportunity of being heard, prior to the impugned proceedings dated 16.01.1997 being passed, is of no consequence. No prejudice can be said to have been caused to the petitioner in this regard, since despite knowledge of the resolution of the Executive Council, dated 15.06.1996, which prescribes the maximum lien period to be three years, the petitioner chose not to report for duty. The impugned order does not necessitate interference in proceedings under Article 226 of the Constitution of India.

The Writ Petition fails and is accordingly dismissed. No costs.

(RAMESH RANGANATHAN,J)

06.02.2007
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